

[6]

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

MARY JONES,	:	
	:	Civil Action No. 3:00-cv-3536 (FLW)
Plaintiff,	:	
	:	
v.	:	
	:	<b>ORDER</b>
THE EWING TOWNSHIP BOARD OF	:	
EDUCATION, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

---

**THIS MATTER** having been opened to the Court by Defendants Ewing Township Board of Education, Warren D. Schuster and Timothy Wade, through counsel Erin F. Henderson, Esq., seeking dismissal of Plaintiff's First Amended complaint for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6); Plaintiff, through her counsel Patrick J. Whalen, Esq., having submitted opposition thereto; the Court having considered the moving, opposition, and reply papers filed by the parties; this matter being considered pursuant to Fed. R. Civ. P. 78; for the reasons stated in the Opinion filed on this date, and for good cause shown;

**IT IS** on this 26<sup>th</sup> day of February, 2010,

**ORDERED** that Defendants' motion to dismiss Counts I and III of Plaintiff's Second Amended Complaint is GRANTED in part and DENIED in part, and Plaintiff's claims under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*, against the individually named defendants are dismissed without prejudice subject to Plaintiff's right to replead; and it is further

**ORDERED** that Defendants' motion to dismiss Count II of Plaintiff's Second Amended Complaint, i.e., the 42 U.S.C. § 1983 claim, is DENIED; and it is further

**ORDERED** that Plaintiffs shall have twenty days from the entry of this Opinion and Order to file a Third Amended Complaint that sets forth in separately delineated counts Plaintiff's causes of action and also pleads the individual liability of each defendant.

Dated: February 26, 2010

/s/ Freda L. Wolfson  
**United States District Judge**